

PUBLIC REPORT  
AMENDMENT/RENEWAL APPLICATION

RE 635 Part III (Rev. 6/05)

**Note:** Submit this package and one photocopy of pages 1 and 2; attach filing fee to page 1 photocopy.

QUESTIONNAIRE

1. THIS APPLICATION IS FOR A: [check box(es)]

☐ RENEWAL OF FINAL PUBLIC REPORT

☐ INTERIM PUBLIC REPORT

☐ AMENDMENT OF FINAL PUBLIC RPT.

☐ CONDITIONAL PUBLIC REPORT

☐ NOTICE OF INTENTION AND STATEMENT OF PURCHASER OF FIVE OR MORE LOTS, UNITS, OR MEMBERSHIPS

2. TYPE OF SUBDIVISION

☐ STANDARD

☐ COMMUNITY APARTMENT

☐ CONDOMINIUM

☐ MOBILE HOME

☐ PLANNED DEVELOPMENT

☐ CONVERSION

☐ STOCK COOPERATIVE

☐ LIMITED EQUITY HOUSING CO-OP

☐ UNDIVIDED INTEREST

3. SUBDIVISION IDENTIFICATION AND LOCATION

DRE FILE NUMBER

PREVIOUS DEPUTY ASSIGNED FILE

NAME OF SUBDIVISION

TRACT NUMBER

NAME TO BE USED IN ADVERTISING

STREET ADDRESS (OR NEAREST CROSS STREETS)

CITY

COUNTY

IF SUBDIVISION IS LOCATED WITHIN CITY LIMITS, LIST NAME OF CITY.

IF RURAL SUBDIVISION, LIST NAME OF NEAREST TOWN/CITY.

LIST THE MILES/DIRECTION FROM NEAREST TOWN/CITY.

IF STOCK COOPERATIVE CONVERSION OR LEHC, IDENTIFY UNIT NUMBERS.

4. WILL YOU ALSO FILE WITH HUD? (Refer to Question 22.)

☐ NO ☐ YES

5. INTERESTS

TOTAL NUMBER OF INTERESTS IN SUBDIVISION

NUMBER OF INTERESTS TO BE COVERED BY THIS AMENDMENT/RENEWAL

NUMBER OF SHARES/MEMBERSHIPS RE-ACQUIRED BY COOPERATIVE

FOR DRE USE ONLY

FILE NUMBER	
AMOUNT REQUIRED \$	
AMOUNT RECEIVED \$	
REFUND AMOUNT \$	
AMT TRANSFERRED \$	FOR LOTS
FROM FILE #	

CHECK THE APPROPRIATE BOXES:

☐ The cooperative corporation has re-acquired ☐ shares ☐ memberships in this subdivision.

☐ I have acquired \_\_\_\_\_ lots/units/shares in this subdivision.

☐ Not applicable or same owner.

6. SIZE OF THIS FILING

NUMBER OF RESIDENTIAL LOTS/UNITS (DO NOT COUNT COMMON AREA LOTS)

NUMBER OF COMMON AREA LOTS

NUMBER OF ACRES IN THIS PHASE

LIST COMMON AREA LOT NUMBERS/LETTERS

Check appropriate box(es)

Lots/Units to be: ☐ Sold ☐ Leased

☐ All residential lots/units to be sold vacant

☐ All residential lots/units to be sold with completed residential structures. Indicate type of structure:  
☐ Conventional ☐ Manufactured ☐ Factory-built

☐ Residential lots/units to be sold both vacant and improved with residential structures.

☐ Vacant lots/units to be sold under agreement obligating buyer to enter into construction contract with seller or seller controlled entity.

☐ All lots to be sold as raw land.

☐ All lots/units to be sold with age restrictions.

☐ At least 50% of the lots/units will be sold subject to affordable housing financing programs. (Submit evidence.)

WHEN PUBLIC REPORT IS READY:

☐ MAIL TO SRP

☐ CALL SRP FOR PICK UP

**7. SUBDIVIDER INFORMATION**

NAME

ATTENTION

ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NUMBER (INCLUDE A/C)

FAX NUMBER

**8. SINGLE RESPONSIBLE PARTY (SRP)**

NAME

ATTENTION

ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NUMBER (INCLUDE A/C)

FAX NUMBER

**9. BUDGET PREPARER**

NAME

ATTENTION

ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NUMBER (INCLUDE A/C)

FAX NUMBER

**10. SUBDIVISION SALES RECORDS**Will the location of the sales records remain the same? ..... ☐ Yes ☐ No

If No, complete the following:

NAME OF CUSTODIAN		TELEPHONE NUMBER
STREET ADDRESS		
CITY		
COUNTY	STATE	ZIP CODE

**11. ALWAYS SUBMIT THE FOLLOWING**

- A. Ten self-sticking address labels for the single responsible party (SRP) for this project and another ten labels for the subdivider.
- B. Filing fee attached to a photocopy of page 1 of RE 635 Part III.
- C. Current Title – Submit a current (issued within 90 days of submittal) preliminary report signed by an authorized employee of the title company, updated title letter, or policy of title insurance covering all interests owned. The DRE Special Note must be included on the title document and the issue date must be within 90 days of the issue date of the amendment/renewal. If applicant does not currently hold title, also submit evidence of future vesting including a date certain by which title must be conveyed.

*Note:* Please include current assessor's tax rate for this project.

- D. Budget Information, item 17 (common interest applications only, if required).
- E. A large scale, legible vicinity map showing the location of the subdivision and identifying landmarks.

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## 12. PUBLIC REPORT CHANGES AND CURRENT INFORMATION

I am familiar with the contents of DRE Subdivision File No. \_\_\_\_\_. I have examined the subdivision public report which has an original issuance date of \_\_\_\_\_ and the last amendment dated \_\_\_\_\_. The offering to be made under authority of this amended public report includes only the following changes in the terms, provisions and documents used in the offering as contained in the subdivision file and the most recently issued subdivision public report. (Enumerate, describe and append documents, as necessary, to explain/show the changes in the offering. See Regulation 2800 for a listing of material changes.)

- Report changes necessary to show current conditions.
- Attach additional sheets if more space is required and indicate attachment.
- If there are no changes to filing, so state.
- Attach a copy of the most recently issued or amended public report for this subdivision.

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## 13. DOCUMENT CHANGES

*Note:* If you checked the box for "Notice of Intention and Statement by Purchaser of five or more lots, units or memberships" on page 1, always submit Items 13A, 13D, 13E, and 13F (if 13F is applicable).

- A. Are there any changes from the last submitted escrow instructions, to include change in escrow companies? ..... ☐ Yes ☐ No

If YES, submit new exemplar escrow instructions *completed in sample form* and certified by the applicant and escrow holder that all escrows will be in substantial conformance with the exemplar submitted.

- 1) Do the last submitted escrow instructions include a clause which provides for a return of funds to a non-defaulting buyer if escrow does not close within a stipulated period of time? ..... ☐ Yes ☐ No

If NO, submit revised escrow instructions which include such a clause. (Escrow instructions must be certified by subdivider and escrow officer.)

- 2) Does the applicant, or applicant's agent, have a 5%, or greater, interest in the escrow company as per Section 2995 Civil Code? ..... ☐ Yes ☐ No

- B. 1) Are there any changes/amendments to the management documents since last submittal? (Answer NO if there are no such documents for this project.)

- a) CC&Rs ..... ☐ Yes ☐ No  
b) Bylaws ..... ☐ Yes ☐ No  
c) Articles ..... ☐ Yes ☐ No

If YES, submit copy of changed/amended document, with changes redlined, for review.

2) Is this project subject to age restrictions? ..... ☐ Yes ☐ No

C. Are there any changes to the condominium plan since last submittal? (Answer No if this is not a condominium project.) ..... ☐ Yes ☐ No

If Yes, submit a copy of the revised condominium plan for review.

D. Have there been any changes to the deposit receipt/agreement to purchase since last submittal? ..... ☐ Yes ☐ No

If Yes, submit an exemplar document completed in sample form signed by the applicant.

E. Have there been any changes to the grant deed since last submittal? ..... ☐ Yes ☐ No

If Yes, submit an exemplar grant deed for review.

F. Will leasehold estates be offered? ..... ☐ Yes ☐ No

If Yes, submit an exemplar lease for review.

G. Have there been any annexations of lots/units to the subdivision since issuance of the latest public report? ..... ☐ Yes ☐ No

If Yes, submit details and documentation.

#### 14. UTILITIES / SERVICES / SOILS / SCHOOLS/ USES

A. Are the following utilities or services installed and complete? ..... ☐ Yes ☐ No

	NA	Now Completed	Not Completed
1) Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Electricity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Telephone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Sewage disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) Streets and roads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) Gas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Does the latest public report reflect current costs to purchasers for installation or extension or hookup for any utilities/improvements/services listed above? (Include well and /or septic system costs.) ..... ☐ Yes ☐ No ☐ NA

If No, submit updated information (e.g., cost estimates prepared by contractor or engineer).

*Note:* Applicant *must* submit details, if any governmental or other authority has taken adverse action against providers of water or sewer service.

1) Are septic tanks or individual sewage systems the sewage disposal method? ..... ☐ Yes ☐ No

If Yes, *submit* a letter from the local health authority stating that a septic tank or other individual sewer system is the acceptable method of sewage disposal and will be permitted on each and every lot included in the application. If the letter from the local health authority does not specify each and every lot as suitable for the proposed sewage disposal system, the sample escrow instructions and the sample sales agreement must provide that no sale will be closed until the purchaser has received a written opinion, satisfactory to the purchaser, from the local health authority, a registered civil engineer or geologist, that the lot/parcel is suitable for installation of a septic system or other individual sewer system and a permit would be issued on the date of the opinion, if an application for a permit were made in compliance with local permit requirements on that date.

- C. Does the latest public report state that there are roads within the subdivision which are to be dedicated and/or maintained by a public agency or entity, but that such dedication or maintenance had not occurred? ..... ☐ Yes ☐ No ☐ NA
- 1) If Yes to 14C, has the dedication of all such roads now been made and accepted? ..... ☐ Yes ☐ No ☐ NA
- 2) If Yes to 14C, have the roads which have been dedicated been accepted for maintenance? .. ☐ Yes ☐ No ☐ NA
- 3) If No to either 14C (1) or (2) above, submit current information, if different from the information in the latest public report, as to when dedication and/or maintenance will begin and how roads will be maintained until public maintenance begins.
- D. Subsequent to issuance of the latest public report, were any districts (e.g., special districts, assessment districts, community facilities districts [Mello-Roos], etc.) created which have the power to tax or levy assessments; or are any currently being created; or has there been a change in the fees or fee structure? ..... ☐ Yes ☐ No
- If Yes, has the project been annexed to any such district or is annexation imminent? ..... ☐ Yes ☐ No ☐ NA
- If Yes, submit RE 624C or the equivalent information as applicable.
- What is the current tax rate? ..... \_\_\_\_\_ (rate) \_\_\_\_\_ (tax yr.)
- E. Is water supplier a mutual water company? ..... ☐ Yes ☐ No
- 1) If YES, was the mutual water company formed prior to January 1, 1998? ..... ☐ Yes ☐ No ☐ NA
- a) If YES, submit either a copy of the current permit to issue shares granted by the Department of Corporations or all of the items under (b) below.
- b) If NO, submit all of the following:
- Executed RE 699B (Mutual Water Company Certification);
  - A copy of the certificate of the Director of Public Health as required by Sections 116300 to 116385 of the Health and Safety Code;
  - A copy of the statement signed either by the engineer who prepared the engineer's report pursuant to Section 14312(a)(7) of the Corporations Code or a person employed or acting on behalf of the public agency or other independent qualified person, that the water supply and distribution system has been examined and tested and operates in accordance with the design standards of Chapter 2, Part 7 of Division 3, Title 1 of the Corporations Code; and
  - Evidence of completion of the water supply and distribution system which will serve all lots to be covered by the public report.
- 2) Will purchaser have to pay to acquire shares? ..... ☐ Yes ☐ No ☐ NA
- If Yes, state an estimate of the total per lot cost to secure water service: ..... \$ \_\_\_\_\_
- F. Does the latest public report reflect the name(s) and address(es) of the public agency(ies) where the soils, filled ground (if any) and geologic (if any) information can be located? ..... ☐ Yes ☐ No

If No or if the public report information is not current provide this information.

NAME OF SOIL PUBLIC AGENCY		
ADDRESS		
CITY	STATE	ZIP CODE
NAME OF FILLED GROUND PUBLIC AGENCY		
ADDRESS		
CITY	STATE	ZIP CODE
NAME OF GEOLOGICAL REPORT PUBLIC AGENCY		
ADDRESS		
CITY	STATE	ZIP CODE

- G. Has a statement been approved by the school district (*one for each school district serving the subdivision*) that shows the location of every school serving the subdivision? ..... ☐ Yes ☐ No

If Yes, submit the statement.

If No, submit documentation that a statement to that effect was asked of the governing body of the school district and a copy of the letter requesting this information.

- H. Does this subdivision lie within the boundaries of land classified as State Responsibility Area (wildland area that may contain substantial forest fire risks and hazards) as determined by the California State Board of Forestry pursuant to Section 4125 of the Public Resources Code? ..... ☐ Yes ☐ No ☐ NA

*Note:* Maps of State Responsibility Areas should be on file with the County Planning Department or County Assessor's Office.

*Note:* Check NA, if this subdivision is located in any of the following counties: Kern, Los Angeles, Marin, Orange, San Francisco, Santa Barbara, Sutter or Ventura.

- 1) If YES, has a will-serve letter already been submitted for this file from the fire protection agency, if any, providing structural fire protection and a will-serve letter from the appropriate Ranger Unit of the California Department of Forestry as to wildland fire protection? ..... ☐ Yes ☐ No ☐ NA

If NO, submit.

- I. 1) Is any part of this subdivision located within a *Special Flood Hazard Area* (any type Zone "A" or "V") as designated by the Federal Emergency Management Agency (FEMA)? ..... ☐ Yes ☐ No  
☐ Do not know and information not available from local jurisdiction\*  
☐ No Change

If YES, pursuant to Government Code Section 8589.3, the seller shall disclose to any prospective purchaser of property within a *Special Flood Hazard Area* the fact that the property is within this Area.

If YES, the public report will contain the following note under the section entitled "Hazards":

The subdivider has advised that all or portions of the subdivision subject to this Public Report are located within a *Special Flood Hazard Area* as designated by the Federal

Emergency Management Agency. Additionally, the subdivider has advised that prospective purchasers within this Area will be provided a separate disclosure required under Government Code Section 8589.3.

If any disclosure, or any material amendment to any disclosure, required to be made by the subdivider regarding this natural hazard is delivered after the execution of an offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the subdivider or the subdivider's agent.

- 2) Is any part of this subdivision located within an *Area of Potential Flooding* shown on an inundation map designated pursuant to Government Code Section 8589.5? .....

☐ Yes ☐ No  
☐ Do not know and information not available from local jurisdiction\*  
☐ No Change

If YES, pursuant to Government Code Section 8589.4, the seller shall disclose to any prospective purchaser of property within an *Area of Potential Flooding* shown on an inundation map the fact that the property is within this Area.

If YES, the public report will contain the following note under the section entitled "Hazards":

The subdivider has advised that all or portions of the subdivision subject to this Public Report are located within an *Area of Potential Flooding* as shown on an inundation map. Additionally, the subdivider has advised that prospective purchasers within this Area will be provided a separate disclosure required under Government Code Section 8589.4.

If any disclosure, or any material amendment to any disclosure, required to be made by the subdivider regarding this natural hazard is delivered after the execution of an offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the subdivider or the subdivider's agent.

- 3) Is any part of this subdivision located within a *Very High Fire Hazard Severity Zone* as designated under the requirements of Government Code Section 51179? .....

☐ Yes ☐ No  
☐ No Change

If YES, pursuant to Government Code Section 51183.5, the seller shall disclose to any prospective purchaser of property within a *Very High Fire Hazard Severity Zone* the fact that the property is within this Zone and is subject to the requirements of Section 51182.

If YES, the public report will contain the following note under the section entitled "Hazards":

The subdivider has advised that all or portions of the subdivision subject to this Public Report are located within a *Very High Fire Hazard Severity Zone*. Additionally, the subdivider has advised that prospective purchasers within this Zone will be provided a separate disclosure required under Government Code Section 51183.5.

If any disclosure, or any material amendment to any disclosure, required to be made by the subdivider regarding this natural hazard is delivered after the execution of an offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the subdivider or the subdivider's agent.

- 4) Is any part of this subdivision located within a *State Responsibility Area* (wildland area that may contain substantial forest fire risks and hazards) as determined by the California State Board of Forestry pursuant to Public Resources Code Section 4125? .....

☐ Yes ☐ No  
☐ No Change

If YES, pursuant to Public Resources Code Section 4136, the seller shall disclose to any prospective purchaser of property within a *State Responsibility Area* the fact that the property is within this Area and is subject to the requirements of Section 4291.

If YES, the public report will contain the following note under the section entitled "Hazards":

The subdivider has advised that all or portions of the subdivision subject to this Public Report are located within a *State Responsibility Area* (wildland area that may contain substantial forest fire risks and hazards) as determined by the California State Board of Forestry. Additionally, the subdivider has advised that prospective purchasers within this Area will be provided a separate disclosure required under Public Resources Code Section 4136.

If any disclosure, or any material amendment to any disclosure, required to be made by the subdivider regarding this natural hazard is delivered after the execution of an offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the subdivider or the subdivider's agent.

- 5) Is any part of this subdivision located within a delineated *Earthquake Fault Zone* pursuant to the Alquist-Priolo Earthquake Fault Zoning Act? .....

☐ Yes ☐ No  
☐ No Change

If YES, pursuant to Public Resources Code Section 2621.9, the seller shall disclose to any prospective purchaser of property within a delineated *Earthquake Fault Zone* the fact that the property is within this Zone.

If YES, the public report will contain the following note under the section entitled "Hazards":

The subdivider has advised that all or portions of the subdivision subject to this Public Report are located within an *Earthquake Fault Zone*. Additionally, the subdivider has advised that prospective purchasers within this Zone will be provided a separate disclosure required under Public Resources Code Section 2621.9.

If any disclosure, or any material amendment to any disclosure, required to be made by the subdivider regarding this natural hazard is delivered after the execution of an offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the subdivider or the subdivider's agent.

- 6) Is any part of this subdivision located within a *Seismic Hazard Zone* pursuant to the Seismic Hazards Mapping Act (Public Resources Code Sections 2690-2699.6)? .....

Landslide Zone?  
☐ Yes ☐ No  
Liquefaction Zone?  
☐ Yes ☐ No  
☐ Map not yet released by state\*  
☐ No Change

If YES, pursuant to Public Resources Code Section 2694, the seller shall disclose to any prospective purchaser of property within a *Seismic Hazard Zone* the fact that the property is within this Zone.

If YES, the public report will contain the following note under the section entitled "Hazards":

The subdivider has advised that all or portions of the subdivision subject to this Public Report are located within a *Seismic Hazard Zone*. Additionally, the subdivider has advised that prospective purchasers within this Zone will be provided a separate disclosure required under Public Resources Code Section 2694.

If any disclosure, or any material amendment to any disclosure, required to be made by the subdivider regarding this natural hazard is delivered after the execution of an offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the subdivider or the subdivider's agent.

- \* **Future changes which place any part of the unsold lots/units in this subdivision within a natural hazard area will be considered a material change requiring the filing of an amended public report application.**



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- 7) **Common Interest Projects Only** — As a result of any hazard area listed above, has there been (or will there be) an increase of 20% or more in the regular assessment amount reflected in the current public report charged by the Association against owners? ..... ☐ Yes ☐ No

If YES, submit the items listed in Q17.

- J. 1) Are you aware, or have any reason to believe, that the subject property contains any rock material which includes natural occurrences of asbestos? ..... ☐ Yes ☐ No

*Note:* Serpentine rock may include asbestos fibers.

- 2) Is the property covered by a State prepared map indicating the likelihood of the presence of natural occurrences of asbestos? ..... ☐ Yes ☐ No

*Note:* You may wish to contact the State Department of Conservation, Division of Mines and Geology for information regarding available maps.

- 3) Has any geologic testing been conducted on the property for the purpose of identifying the presence of asbestos fibers? ..... ☐ Yes ☐ No

If yes, did the results indicate that asbestos fibers are present? ..... ☐ Yes ☐ No

*Note:* A YES response to 14J(1) or 14J(2) above will result in a public report disclosure regarding the possibility that this subdivision contains natural occurrences of asbestos, unless geologic testing is/has been conducted on the property and it is/was determined that the subdivision does not contain naturally occurring asbestos.

- K. Is the property within an “airport influence area,” also known as an “airport referral area,” as determined by an airport land use commission? ..... ☐ Yes ☐ No

If YES, the following statement shall be included in the public report:

**Notice of Airport in Vicinity**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- L. Is the property located within the jurisdiction of the San Francisco Bay Conservation and Development Commission? ..... ☐ Yes ☐ No

If YES, the following statement shall be included in the public report.

**Notice of San Francisco Bay Conservation and  
Development Commission Jurisdiction**

This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission’s jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.

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**15. OFFERING INFORMATION**

- A. Does the applicant intend to offer lease-options? ..... ☐ Yes ☐ No
- B. Does the applicant intend to rent rather than to sell or lease lots/units in the subdivision? ..... ☐ Yes ☐ No ☐ NA
- If Yes, approximately how many lots/units will be rented? ..... \_\_\_\_\_
- C. Does the applicant intend to sell or lease five or more lots/units to a single entity? ..... ☐ Yes ☐ No ☐ NA
- If Yes, submit name and mailing address of said entity(ies).
- D. Does the subject project include residential structures built prior to 1978 (do not include properties sold at a foreclosure sale or housing designated for the elderly)? ..... ☐ Yes ☐ No

If YES, pursuant to federal Real Estate Disclosure and Notification Rule (24 CFR Part 35 and 40 CFR Part 745), the seller is required to disclose to prospective buyers that this property may contain lead-based paint and/or lead-based paint hazards as well as provide certain written materials as mandated by current law. The seller is required to offer all prospective buyers an opportunity to conduct a risk assessment for lead-based paint and lead-based paint hazards prior to being obligated under a purchase contract. This risk assessment may be waived by written agreement between buyer and seller. For more information on seller's obligations, you should contact the local office of the Environmental Protection Agency.

*Note:* If this subdivision is a standard rather than a common interest subdivision, go directly to item 19.

**16. COMPLETION INFORMATION (COMMON INTEREST PROJECTS ONLY)**

- A. Is this project a condominium? ..... ☐ Yes ☐ No
- 1) If Yes, were all common area improvements, including residential units, completed when the last public report was issued? ..... ☐ Yes ☐ No ☐ NA
- 2) If No, are all common area improvements, including residential units, now completed (§11018.5 of the B&P Code)? ..... ☐ Yes ☐ No ☐ NA
- a) If Yes, submit notice of completion/certificate of occupancy.
- b) If No, demonstrate compliance with §11018.5(a)(2) of the B&P Code.
- B. If the common area is to be owned by the homeowners' association, has it been deeded to the homeowners' association? ..... ☐ Yes ☐ No ☐ NA
- If No, submit explanation as to why this has not yet occurred and submit exemplar conveyance document(s).
- C. Is this project a planned development? ..... ☐ Yes ☐ No
- 1) If Yes, were all common area improvements and all residential clusters, if any, completed when the last public report was issued? ..... ☐ Yes ☐ No ☐ NA
- 2) If No, are all common area improvements and all residential clusters, if any, now completed? ..... ☐ Yes ☐ No ☐ NA
- a) If Yes, submit notice of completion and certificates of occupancy, if any.
- b) If No, demonstrate compliance with §11018.5(a)(2) of the B&P Code.
- 3) Are there residential clusters? ..... ☐ Yes ☐ No

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**17. BUDGET REVIEW (COMMON INTEREST PROJECTS ONLY)**

- A. Has there been an increase of 20% or more or a decrease of 10% or more in the regular assessment amount reflected in the current public report charged by the Association against owners? ..... ☐ Yes ☐ No
- B. Are there delinquencies in the payment of regular assessments by owners in the subdivision resulting in the receipt by the Association of income which is more than 10% less than scheduled income from such assessments? ..... ☐ Yes ☐ No
- C. Has the Association failed to establish and fund long-term reserves for future maintenance and replacements as reflected in the current public report or has it used the reserves for current operating expenses? ..... ☐ Yes ☐ No
- D. Was the last review of the association budget over 18 months prior to submission of this application? ☐ Yes ☐ No
- E. Has there been a change in budget information previously deemed acceptable by the Department? ☐ Yes ☐ No

If YES to A, B, C, D or E, submit:

- 1) A written explanation.
  - 2) The duplicate budget package (DBP) as listed in part I, Section XIX.
  - 3) Those documents listed in Part I, Section XX.
- F. Submit evidence of compliance with Regulation 2792.9 to assure the subdivider's payment of assessments for all interests covered by the final public report. DRE forms are available for security instruments and related agreement and escrow instructions. The amount of the security must be deemed acceptable by the Department of Real Estate. Submit the proposed instruments, if other than **unmodified** DRE forms will be used.

**18. SUBSIDY / MAINTENANCE AGREEMENT (COMMON INTEREST PROJECTS ONLY)**

- A. Will any of the costs of operating and maintaining common areas and providing common services be subsidized in any manner by the subdivider? Respond NA if program previously approved and there are no changes. .... ☐ Yes ☐ No ☐ NA

If Yes, submit evidence of compliance with Regulation 2792.10, Subsidization By Subdivider, including the following in proposed form:

- 1) Security instrument (not applicable for a cash deposit or if unmodified DRE form will be used)
- 2) Contract for subsidy and/or maintenance
- 3) Security agreement and escrow instructions (not applicable if unmodified DRE form will be used)
- 4) Description of the accounting procedure for non-cash subsidy arrangement.

*Note:* DRE forms are available for security instruments and related agreement and escrow instructions. The amount of the security must be deemed acceptable by DRE.

## 19. FINANCING

- A. Will the buyer be offered financing by other than a State- or Federally-regulated lender? ..... ☐ Yes ☐ No ☐ NA

If Yes, submit exemplar promissory note(s) and deed(s) of trust completed in sample form.

*Note:* Entities licensed by the Department of Real Estate do not qualify as “state regulated lenders” for purposes of this question.

- B. Will you be negotiating, arranging, or helping purchasers obtain any adjustable or variable rate loans offered by a State- or Federally-regulated lender? ..... ☐ Yes ☐ No ☐ NA

- C. Will you be offering loans with balloon payments, subsidized interest and loan payments, “creative financing” plans, equity sharing plans, any type of “affordable housing” financing or other similar financial programs? ..... ☐ Yes ☐ No

If Yes, submit all details along with documents (including fact sheets, if any, for approval) which will be used.

- D. Are sales in this subdivision subject to the requirements of §2957 or 2963 of the Civil Code? .... ☐ Yes ☐ No

See SPRAG for information concerning “arranger of credit” obligations.

## 20. PURCHASE MONEY HANDLING

- A. Is there a blanket encumbrance now or will there be at the time of sale or lease? ..... ☐ Yes ☐ No

- B. Will all money of purchaser, lessee or contract vendee be impounded in a neutral escrow or trust account (see note below) until proper releases are obtained from all blanket encumbrances, if any, and until legal title, or leasehold interest, as applicable, is conveyed to the purchaser, lessee, or vendee (§11013.2(a) or 11013.4(a) of the B&P Code)? (*Check code section.*) ..... ☐ Yes ☐ No ☐ NA

- 1) If Yes, list where purchase money will be impounded.

☐ §11013.2a  
☐ §11013.4a

NAME		
ADDRESS (POST OFFICE BOXES ARE NOT ACCEPTABLE)		
CITY	STATE	ZIP CODE

*Note:* A trust account may only be used if there is not a blanket encumbrance. It may *not* be used as compliance with §11013.2a of the B&P Code.

- 2) If No, will a bond (RE 600), blanket bond (RE 600A), letter of credit (RE 600J) or set-aside (RE 600I) be submitted (or has one been submitted) to the State of California pursuant to §§11013.2(c) [*bond*], 11013.2(d) [*letter of credit, set-aside*], 11013.4(b) [*bond*], or 11013.4(f) [*letter of credit, set-aside*] of the B&P Code? (*Check code section.*) ..... ☐ Yes ☐ No ☐ NA

☐ §11013.2c  
☐ §11013.2d  
☐ §11013.4b  
☐ §11013.4f

*Note:* All purchase money received under the authority of a conditional public report must be placed in a neutral escrow depository per Section 11013.2a or 11013.4a. Refer to question 23 for identification of the escrow depository to be used under a conditional public report.

*Note:* If RE 600A bond, letter of credit or set-aside is already on file, mark NA, check code section, and complete the following:

SECURITY NUMBER	AMOUNT	TYPE (CHECK ONE) <input type="checkbox"/> RE 600A <input type="checkbox"/> RE 600I <input type="checkbox"/> RE 600J
PRINCIPAL		
ISSUER		

a) If Yes, submit original of security and instructions to depository (RE 600H) unless RE 600A bond, letter of credit or set-aside is already on file.

b) Will funds received in excess of the security be impounded in a neutral escrow or trust account, pursuant to §11013.2(a) or 11013.4(a) of the Business & Professions Code? (Check code section.) .....

☐ Yes ☐ No ☐ NA

☐ §11013.2a

☐ §11013.4a

(1) If Yes, indicate the type of impound and complete the following information.

NAME		CHECK ONE <input type="checkbox"/> ESCROW <input type="checkbox"/> TRUST ACCOUNT
ADDRESS (POST OFFICE BOX IS NOT ACCEPTABLE)		
CITY	STATE	ZIP CODE

(2) If No, is some other arrangement proposed? (Check code section) .....  
If Yes, explain fully on a separate sheet.

☐ Yes ☐ No ☐ NA

☐ §11013.2c

☐ §11013.2d

☐ §11013.4b

☐ §11013.4f

C. Does the owner, subdivider or agent have an interest equal to, or greater than, 5% ownership in the entity shown in 20B(1) or (2) above? .....

☐ Yes ☐ No

If Yes, see SPRAG regarding §2995 of the Civil Code.

## 21. REAL PROPERTY SALES CONTRACTS

A. Do you intend to use real property sales contracts with installment payments (also known as Contracts of Sale or Land Contracts), other than Cal-Vet loans? .....

☐ Yes ☐ No

If Yes, see SPRAG for details and submit sample documents.

## 22. HUD-OCRA

A. Will you also file with the HUD Office of Consumer and Regulatory Affairs, Interstate Land Sales/RESPA Division (HUD-OCRA)? .....

☐ Yes ☐ No

If Yes, see instructions in SPRAG and submit contract (deposit receipt/purchase agreement) with HUD-OCRA required provisions underlined in red.

*Note:* If YES and this application covers a conditional public report, you should be aware that HUD has advised the Department of Real Estate that sales of a HUD project under the authority of a conditional public report would be unlawful. Also, if a conditional public report is issued, it would be without the HUD certification.

## 23. CONDITIONAL/INTERIM PUBLIC REPORT

- A. Are you requesting a conditional public report? (B&P Code §11018.12 and Reg. 2790.2) ..... ☐ Yes ☐ No

If YES, §11018.12(f) of the Business and Professions Code requires a subdivider, principal, or his or her agent shall provide a prospective purchaser with a copy of the conditional report and a written statement which includes all of the following: (*Submit a copy of the statement.*)

*Note:* If you are considering obtaining a conditional public report and the response to question 22 above is YES, you should be aware that HUD has advised the Department of Real Estate that sales of a HUD project under the authority of a conditional public report would be unlawful. Also, if a conditional public report is issued, it would be without the HUD certification.

- 1) Specification of the information required for issuance of a public report.
- 2) Specification of the information required in the public report which is not available in the conditional public report, along with a statement of the reasons why that information is not available at the time of issuance of the conditional public report.
- 3) A statement that no person acting as a principal or agent shall sell or lease or offer for sale or lease lots or parcels in a subdivision for which a conditional public report has been issued except as provided in this article.
- 4) Specification of the requirements of Section 11018.12, subdivision (e).

- B. If you are requesting a conditional public report, provide the name and address of the neutral escrow depository where all purchase money will be impounded, pursuant to Section 11013.2(a) or 11013.4(a) of the Business and Professions Code, until such time as the final public report is furnished to the purchaser.

NAME		CODE SECTION (CHECK ONE) <input type="checkbox"/> 11013.2(A) <input type="checkbox"/> 11013.4(A)
ADDRESS (POST OFFICE BOXES ARE NOT ACCEPTABLE)		
CITY	STATE	ZIP CODE

- C. Are you requesting an interim public report? ..... ☐ Yes ☐ No

If YES, submit:

- The Reservation Deposit Handling Agreement (RE 612A) completed in sample form and executed with original, not photocopied, signatures of escrow holder and subdivider; and
- The Reservation Instrument (RE 612) completed in sample form.

## 24. SUBDIVIDER STATUS

- A. Is subdivider a California resident? ..... ☐ Yes ☐ No

If a nonresident of the State of California, *submit* an irrevocable consent (original and one copy of appropriate RE 608) that if any action is commenced against the subdivider in the State of California and personal service of process upon the entity or individual cannot be made in this State, a valid service may be made by delivering the Consent To Service of Process (RE 608's) to the California Secretary of State.

- B. Is the subdivider a corporation or limited liability company organized under the laws of a state other than California? ..... ☐ Yes ☐ No

If YES, *submit* a Certificate of Status for the foreign entity to transact business in California, issued by the California Secretary of State.

*I/We hereby certify under penalty of perjury that the information contained in Parts II and III of this form constitutes my/our Notice of Intention to sell or lease subdivision lands, and that the information, together with any documents submitted herewith, are full, true, complete and correct; and that I/we am/are the owner(s) of the lots, units or parcels herein described, or will be the owner(s) at the time lots or parcels, improved or otherwise, are offered for sale or lease to the general public — or that I am the agent authorized by such person(s) to complete this statement.*

- Certification signed outside the State of California must be acknowledged by a notary public.
- Prior to signing, review all answers submitted. Errors or omissions must be corrected and initialed by the subdivider(s).
- If the subdivider is a corporation, limited liability company (LLC), partnership, etc., the individual(s) signing the certification must stipulate the capacity (e.g., president, manager, general partner, etc.) of the signer and an authorization to sign (e.g., a corporate resolution, LLC statement, partnership statement, etc.) must be submitted.
- If an agent will be submitting documents to Department of Real Estate on behalf of the subdivider, the subdivider must provide written authorization to that effect.

SIGNATURE OF SUBDIVIDER ➤	DATE
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PRINTED NAME OF SUBDIVIDER	CAPACITY
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NAME OF CORPORATION, LLC, PARTNERSHIP, ETC.

BUSINESS ADDRESS

CITY	COUNTY	STATE
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SIGNATURE OF SUBDIVIDER ➤	DATE
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PRINTED NAME OF SUBDIVIDER	CAPACITY
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NAME OF CORPORATION, LLC, PARTNERSHIP, ETC.

BUSINESS ADDRESS

CITY	COUNTY	STATE
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